

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- X
UNITED STATES OF AMERICA EX REL, :
JENNIFER L. TEITELBAUM, :
 : **CIVIL ACTION NO. 04-12450-MEL**
Plaintiff, :
 :
-against- :
 :
ALASKA AIRLINES, INC., AMERICAN AIRLINES, :
INC., CONTINENTAL AIRLINES, INC., CHINA :
EASTERN AIRLINES CORPORATION LIMITED, :
CHINA SOUTHERN AIRLINES CORPORATION, :
DEUTSCHE LUFTHANSA, A.G., D/B/A :
LUFTHANSA AIRLINES, BRITISH AIRWAYS, :
PLC, D/B/A BRITISH AIRWAYS, ALITALIA- :
LINEE AEREE ITALIAN S.p.A., D/B/A ALITALIA :
AIRLINES, SOUTHWEST AIRLINES CO., D/B/A :
SOUTHWEST AIRLINES, VIRGIN ATLANTIC :
AIRWAYS, AER LINGUS, AIR FRANCE, AIR :
JAMAICA, HAWAIIAN AIRLINES, IBERIA :
LINEAS AERGAS DE ESPAN, SA, D/B/A IBERIA :
AIRLINES, JAPAN AIRLINES COMPANY, LTD, :
D/B/A JAPAN AIRLINES, KLM ROYAL DUTCH :
AIRLINES, QUANTAS EMPIRE AIRWAYS, LTD., :
D/B/A QUANTAS AIRWAYS, SINGAPORE :
AIRLINES, AIR TRAN AIRWAYS, SA, ATA :
AIRLINES, INC., AND JETBLUE AIRWAYS :
CORP., :
Defendants. :
----- X

**MOTION OF DEFENDANTS IBERIA- LÍNEAS AÉREAS DE ESPAÑA, S.A., JAPAN
AIRLINES INTERNATIONAL COMPANY, LTD. KLM ROYAL DUTCH AIRLINES,
QANTAS AIRWAYS LTD., SINGAPORE AIRLINES, LTD. AND
VIRGIN ATLANTIC AIRWAYS, LTD. IN SUPPORT OF
MOTION TO DISMISS PLAINTIFF-RELATOR'S AMENDED COMPLAINT**

Defendants Iberia – Líneas Aéreas de España, S.A., Japan Airlines International
Company, Ltd. (incorrectly sued as “Japan Airlines Company, Ltd., d/b/a Japan Airlines”), KLM
Royal Dutch Airlines, Qantas Airways Limited, Singapore Airlines, Ltd. and Virgin Atlantic

Airways, Ltd. (hereinafter collectively referred to as the "Foreign Airline Defendants"), herby move to dismiss the plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), on the grounds that: (1) the Court lacks subject matter jurisdiction over the claims, (2) the Amended Complaint fails to comply with the pleading requirements of Fed. R. Civ. P. 9(b), and (3) the Amended Complaint fails to state a claim upon which relief may be granted under False Claim Act, 31 U.S.C. §§ 3729, *et seq.* and common law.

In support of their motion the Foreign Airline Defendants refer to the memorandum of law in support of the Foreign Airline Defendants' motion to dismiss which is filed herewith.

WHEREFORE, the Foreign Airline Defendants respectfully requests that their motion be allowed.

"REQUEST FOR ORAL ARGUMENT"

The Foreign Airline Defendants respectfully request oral argument on their Motion to Dismiss in order to assist the Court in resolving the issues raised.

Dated: February 17, 2006

Respectfully submitted,

/s/ Kathleen M. Guilfoyle
Richard P. Campbell (BBO #071600)
Kathleen M. Guilfoyle (BBO #546512)
CAMPBELL CAMPBELL EDWARDS
& CONROY P.C.
One Constitution Plaza
Boston, Massachusetts 02129
(617) 241-3000

-and-

CONDON & FORSYTH LLP
Times Square Tower
7 Times Square
New York, New York 10036
(212) 490-9100

Attorneys for Defendants
Iberia – Líneas Aéreas de España, S.A.
Japan Airlines International Company, Ltd.
KLM Royal Dutch Airlines
Qantas Airways Limited
Singapore Airlines, Ltd.
Virgin Atlantic Airways, Ltd.

LOCAL RULE 7.1(A)(2) CERTIFICATE

I hereby certify that counsel for defendants Iberia – Líneas Aéreas de España, S.A., Japan Airlines International Company, Ltd. (incorrectly sued as “Japan Airlines Company, Ltd., d/b/a Japan Airlines”), KLM Royal Dutch Airlines, Qantas Airways Limited, Singapore Airlines, Ltd. and Virgin Atlantic Airways, Ltd. conferred with counsel for the plaintiff in a good faith effort to resolve or narrow the issues in dispute, but was unable to do so:

/s/ Kathleen M. Guilfoyle

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 17, 2006.

By: /s/ Kathleen M. Guilfoyle

Randall A. Brater, Esq.
Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036-5339

Ronald H. Clark, Esq.
Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036-5339

David Ogden, Esq.
Wilmer Cutler & Pickering Hale and Dorr LLP
2445 M St. NW
Washington, DC 20037

Adam Raviv, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
2445 M St. NW
Washington, DC 20037

Ethan G. Shenkman, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
2445 M St. NW
Washington, DC 20037

Anita Johnson
United States Attorney's Office
1 Courthouse Way
Suite 9200
Boston, MA 02210